

REMARKS/ARGUMENTS

The Examiner states that the inventions are distinct for unspecified reasons and have acquired a separate status in the art as shown by their different classification.

However, the Examiner has not set forth any section of the M.P.E.P. to support the restriction between Groups I-III, nor has the Examiner given any specific reasons as to why the groups are restrictable, one from another.

Therefore, it is submitted that the requirements of M.P.E.P. § 800 have not been met and it is requested that the claims of Groups I-III be rejoined and examined in the present application.

Further, if the claims of Group I are ultimately found allowable, it is requested that the claims of Groups II and III be rejoined under M.P.E.P. § 821.04 and allowed in the present application, also.

Further, if the search of the prior art uncovers no art over which the elected species is rejectable, it is requested that the Examiner extend the search to the non-elected species.

Finally, Applicants traverse the restriction requirement on the grounds that thousands of U.S. patents have issued in which many more than three subclasses have been searched and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only three subclasses.

Application No. 10/820,123
Reply to Office Action of January 26, 2006

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Roland E. Martin
Registration No. 48,082

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)